

AMENDED IN SENATE APRIL 30, 2008

AMENDED IN SENATE APRIL 1, 2008

AMENDED IN SENATE MARCH 24, 2008

SENATE BILL

No. 1212

Introduced by Senator Cox

February 13, 2008

An act to amend Section 538d of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 1212, as amended, Cox. Peace officers: impersonation.

Existing law makes it a crime for a person, who is not a peace officer, to impersonate a peace officer, as specified.

This bill would authorize the head of a local agency that employs peace officers to issue identification in the form of a badge, insignia, emblem, device, label, certificate, card, or writing that clearly states the person's position as an honorably retired peace officer, a nonpeace officer employee, or a volunteer for that agency, as specified. The bill would also authorize the head of a local agency to revoke identification granted pursuant to those provisions in the event of misuse or abuse.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 538d of the Penal Code is amended to
2 read:
3 538d. (a) Any person, other than one who by law has the
4 authority of a peace officer, who willfully wears, exhibits, or uses

1 the authorized uniform, insignia, emblem, device, label, certificate,
2 card, or writing, of a peace officer, with the intent of fraudulently
3 impersonating a peace officer, or of fraudulently inducing the
4 belief that he or she is a peace officer, is guilty of a misdemeanor.

5 (b) (1) Any person, other than one who by law has the authority
6 of a peace officer, who willfully wears, exhibits, or uses the badge
7 of a peace officer with the intent of fraudulently impersonating a
8 peace officer, or of fraudulently inducing the belief that he or she
9 is a peace officer, is guilty of a misdemeanor punishable by
10 imprisonment in a county jail not to exceed one year, by a fine not
11 to exceed two thousand dollars (\$2,000), or by both that
12 imprisonment and fine.

13 (2) Any person who willfully wears or uses any badge that
14 falsely purports to be authorized for the use of one who by law
15 has the authority of a peace officer, or which so resembles the
16 authorized badge of a peace officer as would deceive any ordinary
17 reasonable person into believing that it is authorized for the use
18 of one who by law has the authority of a peace officer, for the
19 purpose of fraudulently impersonating a peace officer, or of
20 fraudulently inducing the belief that he or she is a peace officer,
21 is guilty of a misdemeanor punishable by imprisonment in a county
22 jail not to exceed one year, by a fine not to exceed two thousand
23 dollars (\$2,000), or by both that imprisonment and fine.

24 (c) Any person who willfully wears, exhibits, or uses, or who
25 willfully makes, sells, loans, gives, or transfers to another, any
26 badge, insignia, emblem, device, or any label, certificate, card, or
27 writing, which falsely purports to be authorized for the use of one
28 who by law has the authority of a peace officer, or which so
29 resembles the authorized badge, insignia, emblem, device, label,
30 certificate, card, or writing of a peace officer as would deceive an
31 ordinary reasonable person into believing that it is authorized for
32 the use of one who by law has the authority of a peace officer, is
33 guilty of a misdemeanor, except that any person who makes or
34 sells any badge under the circumstances described in this
35 subdivision is subject to a fine not to exceed fifteen thousand
36 dollars (\$15,000).

37 (d) The head of a local agency that employs peace officers is
38 authorized to issue identification in the form of a badge, insignia,
39 emblem, device, label, certificate, card, or writing that clearly
40 states the person's position as any one of the following:

1 (1) Honorably retired peace officer from that agency.

2 (2) Nonpeace officer employee of that agency, if the duties of
3 the employee contribute directly to the operational law enforcement
4 functions of that agency.

5 (3) Volunteer, if the duties of the volunteer contribute directly
6 to the operational law enforcement functions of that agency. In
7 addition, in order to be eligible to receive this identification, the
8 volunteer shall have completed professional training on the duties
9 and responsibilities of the volunteer position. Identification granted
10 to a volunteer shall only be valid during the performance of those
11 volunteer duties, as directed by the head of the local agency. This
12 paragraph does not authorize the issuance of identification to a
13 volunteer solely for serving on an advisory committee of the agency
14 or for performing duties as an advisor to the agency. *As used in*
15 *this paragraph, "volunteer" means an individual who, without*
16 *financial compensation and under the supervision of a sworn peace*
17 *officer, performs specific operational functions for a law*
18 *enforcement agency, including, but not limited to, the duties of*
19 *search and rescue, chaplain service, civilian air patrol, canine*
20 *unit service, or trauma physician service.*

21 (e) The head of a local agency that employs peace officers is
22 authorized to revoke identification granted pursuant to subdivision
23 (d) in the event of misuse or abuse.

24 (f) (1) Vendors of law enforcement uniforms shall verify that
25 a person purchasing a uniform identifying a law enforcement
26 agency is an employee of the agency identified on the uniform.
27 Presentation and examination of a valid identification card with a
28 picture of the person purchasing the uniform and identification,
29 on the letterhead of the law enforcement agency, of the person
30 buying the uniform as an employee of the agency identified on the
31 uniform shall be sufficient verification.

32 (2) Any uniform vendor who sells a uniform identifying a law
33 enforcement agency, without verifying that the purchaser is an
34 employee of the agency, is guilty of a misdemeanor, punishable
35 by a fine of not more than one thousand dollars (\$1,000).

36 (3) This subdivision shall not apply if the uniform is to be used
37 solely as a prop for a motion picture, television, video production,

- 1 or a theatrical event, and prior written permission has been obtained
- 2 by the identified law enforcement agency.

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